

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
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November 14, 2005

Re: *In re Mutual Funds Investment Litigation*  
MDL-15863

Riggs v. Massachusetts Financial Services Co., et al.  
Civil No. JFM-04-1162

Dear Counsel:

I am in receipt of Mr. Polkes' letter of November 10, 2005.

Mr. Polkes is correct that my failure to address in my November 3, 2005 letter memorandum the claims against the defendants delineated in the Consolidated Amended Complaint as the "Facilitator Broker Defendants" and the "Financier Defendants," other than Bank of America and Bear Stearns, was an oversight. Accordingly, my November 3, 2005 letter memorandum is hereby amended as follows:

Motions of the Market Timing, Facilitator Broker, Clearing Broker, and Financier Defendants other than Theodore Sihpol, the Bank of America and Bear, Stearns defendants, STC, and Grant D. Seeger. Granted, without leave to amend, for the same reasons stated in the investor class opinion and order I issued in the *Janus* subtrack in connection with the claims against the broker dealer defendants other than Bear, Stearns and Bank of America.

In regard to the motion of the CIBC defendants, I note that here, unlike in *Janus*, plaintiffs do not suggest that the CIBC defendants themselves engaged as traders in market timing transactions.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz  
United States District Judge